

Terence O'Connor  
June 20, 2024

IN THE UNITED STATES DISTRICT COURT

<sup>Terence O'Connor</sup>  
FOR THE ~~JUNE 20, 2024~~ DISTRICT OF OREGON

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad litem, on behalf of S.M., a minor,	)
	) Civil No.
Plaintiffs,	) 6:20-cv-01163-MK
	) (Lead Case)
v.	)
	) VIDEOCONFERENCE
	) DEPOSITION
MARK DANNELS, PAT DOWNING,	)
SUSAN HORMANN, MARY KRINGS,	)
KRIS KARCHER, SHELLY MCINNES,	)
RAYMOND MCNEELY, KIP OSWALD,	)
MICHAEL REAVES, JOHN RIDDLE,	)
SEAN SANBORN, ERIC	)
SCHWENNINGER, RICHARD WALTER,	)
CHRIS WEBLEY, ANTHONY WETMORE,	)
KATHY WILCOX, CRAIG ZANNI,	)
DAVID ZAVALA, JOEL D. SHAPIRO	)
AS ADMINISTRATOR OF THE ESTATE	)
OF DAVID E. HALL, VIDOCQ	)
SOCIETY, CITY OF COQUILLE, CITY	)
OF COOS BAY, and COOS COUNTY,	)
Defendants.	)
	)
VIDOCQ SOCIETY,	)
Cross-Claimant,	)
	)
v.	)
	)
MARK DANNELS, PAT DOWNING,	)
SUSAN HORMANN, MARY KRINGS,	)
KRIS KARCHER, SHELLY MCINNES,	)
RAYMOND MCNEELY, KIP OSWALD,	)
MICHAEL REAVES, JOHN RIDDLE,	)
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KATHY WILCOX, CRAIG ZANNI,	)
DAVID ZAVALA, JOEL D. SHAPIRO	)
AS ADMINISTRATOR OF THE ESTATE	)
OF DAVID E. HALL, VIDOCQ	)
SOCIETY, CITY OF COQUILLE, CITY	)

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1	OF COOS BAY, and COOS COUNTY, ) Cross-Defendants. )	1	Meredith Sawyer HWS LAW GROUP 101 Southwest Main Street, Suite 1605 Portland, Oregon 97204 (206) 262-1200 msawyer@hwslawgroup.com (Representing Vidocq Society)		
2	)	2	Terence O'Connor NICHOLAS JAMES MCGUFFIN, as an ) Civil Case No. June 20, 2024 3 individual and as guardian ad litem, on behalf of S.M., a ) 4 minor, ) 5 Plaintiffs, ) 6 v. ) 7 OREGON STATE POLICE, ) 8 Defendant. ) _____ )	3	LUVAAZ COBB 777 High Street, Suite 300 Eugene, Oregon 97401 (541) 484-9292 edefreest@luvaascobb.com (Representing Richard Walter)
8		9			
9		10	ALSO PRESENT: Mark Williamson		
10		11			
11	DEPOSITION UPON ORAL EXAMINATION	12	REPORTED BY:		
12	OF TERENCE O'CONNOR	13	Jean M. Kostner, CSR #90-0051 Subcontractor for: US LEGAL SUPPORT		
13	BE IT REMEMBERED THAT, pursuant to the Oregon Rules of	14			
14	Civil Procedure, the deposition of TERENCE O'CONNOR was taken	15			
15	remotely via videoconference on behalf of the Plaintiffs,	16			
16	before JEAN M. KOSTNER, a Certified Court Reporter for Oregon,	17			
17	on Thursday, the 20th day of June, 2024, at the hour of	18			
18	9:00 a.m., in the State of Oregon.	19			
19		20			
20		21			
21		22			
22		23			
23		24			
24		25			
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1	APPEARANCES	1	INDEX OF TESTIMONY		
2	ON BEHALF OF THE PLAINTIFFS:	2			
3	David B. Owens LOEVY & LOEVY 100 South King Street, Suite 100 Seattle, Washington 98104 (312) 590-5449 david@loevy.com	3	WITNESS		
4	Andrew C. Lauersdorf, OSB #980739 Janis C. Puracal, OSB #132288 MALONEY LAUERSDORF REINER, PC 1111 East Burnside Street, Suite 300 Portland, Oregon 97214 (503) 245-1518 acl@mrllegalteam.com jcp@mrllegalteam.com	4	TERENCE O'CONNOR		
5		5	Examination by Mr. Owens . . . . . 7		
6		6	Further Examination by Mr. Owens . . . . . 56		
7		7	Examination by Ms. Coffin . . . . . 57		
8	ON BEHALF OF THE DEFENDANTS:	8			
9	Sarah R. Henderson, OSB #153474 LAW OFFICE OF ROBERT E. FRANZ, JR. Post Office Box 62 Springfield, Oregon 97477 (541) 741-8220 shenderson@franzlaw.comcastbiz.net (Representing City of Coquille, City of Coos Bay, Coos County, Craig Zanni, Chris Webley, Eric Schwenninger, Sean Sanborn, Ray McNeely, Kris Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore, Shelly D. McInnes)	12			
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19		22			
20	Todd Marshall, OSB #112685 OREGON DEPARTMENT OF JUSTICE 100 Southwest Market Street Portland, Oregon 97201 (971) 673-1880 U.S. Legal Support   www.uslegalsupport.com todd_marshall@doj.state.or.us (Representing Oregon State Police, John Riddle, Susan Hormann, Mary Krings, Kathy Wilcox)	23			
21		24			
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25					

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		INDEX OF EXHIBITS	Page 6		Page 8
		DEPOSITION	Terence O'Connor June 20, 2024		
3	EXHIBIT NO.	DESCRIPTION			
5	1	Notice of Deposition (17 pages)	8	1	(Document marked for identification as Deposition.)
6	2	Responses and Objections to Plaintiff's First Revised FRCP 30(b)(6) Notice and FRCP 34 Request for Production of Documents (137 pages)	12	2	Exhibit 1.)
8	3	2007 Coquille Police Department Policy Manual (346 pages)	24	3	MS. HENDERSON: Just FYI, before you jump in, David, we're having a weird issue on Terence's computer, so I may just -- I'm just putting mine in front of him so he can see.
10				4	MR. OWENS: Okay.
11				5	MS. HENDERSON: We still have audio, but we don't
12				6	have --
13				7	MR. OWENS: Yeah.
14				8	MS. HENDERSON: -- video for some reason.
15				9	MR. OWENS: Okay. All right.
16				10	MR. MARSHALL: Fun times.
17				11	MR. OWENS: Okay.
18				12	THE WITNESS: I can look forward, then.
19				13	MR. OWENS: Okay. Great.
20				14	BY MR. OWENS:
21				15	Q. So as I mentioned, you're going to be providing
22				16	testimony today under oath on behalf of the City of Coquille on
23				17	the topics that you've been designated to provide testimony
24				18	for. Correct?
25				19	A. Correct.
				20	Q. And I just want to show you Exhibit 1, which is the
				21	notice of deposition, which I'll also share in the chat for all
				22	counsel so they have a copy of that.
1		TERENCE O'CONNOR,	Page 7		Page 9
2		called as a witness on behalf of the Plaintiffs, having been		1	All right. Mr. O'Connor, are you able to see that?
3		first duly sworn to tell the truth, the whole truth, and		2	A. Yes.
4		nothing but the truth, was examined and testified as follows:		3	Q. Got it. And I'm not going to go through all 17
5		THE WITNESS: Yes.		4	pages of it now unless you would like me to, but is this a
6		EXAMINATION		5	document that you're familiar with and prepared to provide
7		BY MR. OWENS:		6	testimony about some of the topics contained herein?
8		Q. Good morning, sir. Could you state and spell your		7	A. Yes.
9		name for the record, please.		8	Q. Great. And what did you do to prepare for this
10		A. My name is Terence O'Connor, spelled.		9	deposition today?
11		T-E-R-E-N-C-E; last name O'Connor, O, apostrophe, C-O-N-N-O-R.		10	A. Essentially I was given some documents from
12		Q. And you understand that you're here to provide		11	testimony that had already been provided by Officer Sanborn,
13		testimony today as the corporate designee on certain topics for		12	Chief Reaves, and Chief Dannels.
14		the City of Coquille. Correct?		13	Q. Okay. Did you read the testimony that had been
15		A. Correct.		14	provided to you?
16		Q. And we'll go ahead and just mark this as Exhibit		15	A. I did not -- I did not read all gazillion pages that
17		Number 1. And since we're doing this on -- via Zoom, the way		16	were composed. I just referenced a few sections just to get a
18		that exhibits work is I'll show you them on my screen after		17	feel for, you know, what kind of questions might be asked to
19		marking them, and I'll put them in the chat as well to send to		18	get the ol' -- get the ol' brains working.
20		other folks. But because it's a technological issue		19	Q. Fair enough. And you mentioned three different
21		electronically and I'm not particularly good at technology, if		20	deposition transcripts, and that was of former Chief Reaves.
22		there are any issues you have with wanting me to zoom in or		21	Is that right?
23		zoom out on a document or to scroll up or down, let -- feel		22	A. Correct.
24		free to let me know. Okay?		23	Q. And then former Chief Dannels. Is that correct?
25		A. Okay.		24	A. Correct.
				25	Q. And who was the third one? I missed it.

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<p style="text-align: right;">Page 14</p> <p>1 testimony that was provided in the excerpts that we just went      2 over in Exhibit 2?</p> <p>3 A. No, I have not.</p> <p>4 Q. Did you talk to former Officer Sanborn about the      5 testimony that was provided to you that was highlighted in      6 Exhibit Number 2?</p> <p>7 A. No, I have not.</p> <p>8 Q. Are there any other steps or aspects of what you      9 did to prepare for this deposition today that you haven't told      10 me about already?</p> <p>11 A. No. I've told you everything I've done.</p> <p>12 Q. Got it. And just to get us on the same page, what      13 was your -- what's been your experience, just generally, as an      14 employee for the City of Coquille?</p> <p>15 A. Generally I was employed as the city manager from      16 about I think it was March of 2000 until 2010.</p> <p>17 Q. Okay. Do you know who the city manager became      18 after you left?</p> <p>19 A. Uh, gosh. Yeah. It was a fellow that's now in      20 Pennsylvania. I can't remember his name.</p> <p>21 Q. Hm.</p> <p>22 A. Young fellow. Well, he was young at that time.</p> <p>23 Q. Got it. So as I understand it -- well, let me just      24 ask it this way. In any of the deposition transcripts that you      25 read or were provided in advance of the deposition today, was</p>	<p style="text-align: right;">Page 16</p> <p>1 would have been the chief of police. Is that correct?</p> <p>2 A. That is correct.</p> <p>3 Q. All right. Who was the chief of police in 2000?</p> <p>4 A. 2000 was Mike Reaves.</p> <p>5 Q. Okay. And I believe that Mr. Dannels became the      6 chief in August of 2008. Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And was he the chief throughout beyond 2011?</p> <p>9 A. No. He -- he left to go back to Arizona before      10 that time. Just prior to that. I believe it might have been      11 2010 or thereabouts. Maybe the latter half of 2010.</p> <p>12 Q. Okay. Who was the chief at the latter half of 2010      13 and into 2011?</p> <p>14 A. Um, it would have been the captain at that time. I      15 promoted her. Her name is Janice -- Janice Blue. She followed      16 Mark Dannels.</p> <p>17 Q. And was the last name Blue?</p> <p>18 A. I believe that's correct.</p> <p>19 Q. B-L-U-E?</p> <p>20 A. B-L-U-E.</p> <p>21 Q. Thank you. So as the city manager, what type, if      22 any, of oversight did that person have in 2000 over the      23 Coquille Police Department?</p> <p>24 A. City manager's responsibility for oversight of the      25 police department essentially started and ended with the police</p>
<p style="text-align: right;">Page 15</p> <p>1 there anything that you noticed, even if you didn't read all of      2 it for content, that you disagreed with?</p> <p>3 A. No.</p> <p>4 Q. Was there anything that stood out to you as      5 inaccurate?</p> <p>6 A. No.</p> <p>7 Q. Was there anything that you thought was a      8 misrepresentation?</p> <p>9 A. Nothing that -- no.</p> <p>10 Q. All right. So I'm going to go back to Exhibit      11 Number 1. And we're going to just go through and discuss some      12 of the topics that haven't been designated, and I'm going to      13 try to -- my best to not repeat questions that were asked in      14 those 137 pages. But I don't have encyclopedic knowledge of      15 them and also it may be necessary for us to get on the same      16 page so I can ask follow-up questions. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. All right. And so I just want to make sure that      19 we're on the same page, that in 2000 and through 2011 the City      20 of Coquille had a police department that was about eight police      21 officers. Is that correct?</p> <p>22 A. I believe it varied between like six and eight      23 depending on employee's circumstances, yes.</p> <p>24 Q. And that the person responsible for making policy      25 for the Coquille Police Department during that period of time</p>	<p style="text-align: right;">Page 17</p> <p>1 chief. He was the department head for -- for that unit of the      2 city, and my requirements -- or I guess my responsibilities      3 were with him and was not involved in any day-to-day or      4 organizational operations as much as they existed on a -- on a,      5 shall we say, macro level. I didn't delve into the management      6 of the department itself, only with the chief and the broader      7 policy questions as the department related to the city.</p> <p>8 Q. Okay. There was testimony in those pages that the      9 City at some point moved from a policy manual that had been --      10 that was on its own that had been generated to a policy manual      11 that had been prepared by Lexipol. Are you familiar with that      12 transition?</p> <p>13 A. Yes.</p> <p>14 Q. Can you tell me --</p> <p>15 A. Maybe not completely, not necessarily, but yes, I      16 remember that time period.</p> <p>17 Q. Got it. And just one thing I should have mentioned      18 earlier, Mr. O'Connor, is that it's very important that we only      19 have one person talking at a time. So I'm going to ask you      20 some questions that are very obvious that you're going to be      21 very familiar with --</p> <p>22 A. Okay.</p> <p>23 Q. -- and in normal conversation it would be natural      24 for you to be, like, oh, I know what he's asking me and to just      25 start answering, and it wouldn't be rude at all. And so I'm</p>

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<p>1 made at city council meetings?</p> <p>2 A. Yes.</p> <p>3 Q. If complaints were made about the quality of police</p> <p>4 work at a city council meeting, were there any formal</p> <p>5 procedures for what would happen in investigating or inquiring</p> <p>6 about those complaints?</p> <p>7 A. Depending upon the nature of the complaint, it</p> <p>8 would be passed to me to provide a response to the council, if</p> <p>9 they wanted additional information on that particular matter;</p> <p>10 in which case I would then get with the police department to</p> <p>11 ascertain whether what was being said was something that was</p> <p>12 accurate. And if it was, you know, what would be the response?</p> <p>13 And that response would then be given back to the city council.</p> <p>14 Q. Okay. And do you have any recollection of</p> <p>15 complaints having been made about the quality of police work in</p> <p>16 the Coquille Police Department while you were the city manager?</p> <p>17 A. Yes.</p> <p>18 Q. And do you recall complaints having been made about</p> <p>19 the honesty of officers' conduct during investigations?</p> <p>20 A. No.</p> <p>21 Q. Do you have any memory of complaints being made</p> <p>22 about officers -- well, actually let me just read it to you</p> <p>23 directly so I'm not paraphrasing.</p> <p>24 A. Okay.</p> <p>25 Q. Okay. Actually, let me just back up. If</p>	<p style="text-align: right;">Terence O'Connor June 20, 2024</p> <p>1 council, who is elected by the council.</p> <p>2 Q. I see. Thank you.</p> <p>3 So do complaints about officers -- that officers</p> <p>4 abuse their power essentially by writing traffic tickets and</p> <p>5 performing arbitrary stops, things like that, does that sound</p> <p>6 like a familiar complaint that was brought to the City of</p> <p>7 Coquille while you were the city manager?</p> <p>8 A. I would -- I would -- I would say yes, that's</p> <p>9 probably accurate.</p> <p>10 Q. Okay. And the City was aware of a group of people</p> <p>11 called The Concerned Citizens of Coquille. Correct?</p> <p>12 A. Correct.</p> <p>13 Q. And The Concerned Citizens of Coquille asked for a</p> <p>14 civilian review board be established. Correct?</p> <p>15 A. I don't recall that, but I remember the concerned</p> <p>16 citizens.</p> <p>17 Q. Okay. What do you remember about the concerned</p> <p>18 citizens?</p> <p>19 A. Just as you described it. It was a group of</p> <p>20 citizens, some in the city, some outside the city, that had</p> <p>21 concerns about traffic stops and things of that nature and</p> <p>22 officer attitudes.</p> <p>23 Q. Okay. Were any steps done to implement any changes</p> <p>24 or in response to the complaints made by The Concerned Citizens</p> <p>25 of Coquille?</p>
<p style="text-align: right;">Page 39</p> <p>1 complaints were made by citizens about the police department at</p> <p>2 a city council meeting, is that something that -- how would you</p> <p>3 go about discussing that with the mayor, if at all?</p> <p>4 A. I wouldn't necessarily discuss it with the mayor.</p> <p>5 I would discuss it with the city council. If the mayor had a</p> <p>6 particular question -- the city council was pretty responsive</p> <p>7 to the idea that it was the entire city council that acted as</p> <p>8 the governing body, not the mayor, under our form of</p> <p>9 government. So to the extent of which the mayor had a</p> <p>10 question, he would ask the question there at the council</p> <p>11 meeting.</p> <p>12 The response again, as I said before, would either</p> <p>13 result in my going and having conversations with the police</p> <p>14 department and then reporting back to council, if not having</p> <p>15 that matter discussed openly right there at the city council</p> <p>16 meeting with the police chief in attendance.</p> <p>17 Q. Yeah. You said a moment ago something about "our</p> <p>18 form of government." What did you mean by that?</p> <p>19 A. It's a city manager form of government, which means</p> <p>20 the mayor holds ceremonial responsibilities but no</p> <p>21 administrative or directive responsibilities in the</p> <p>22 organization, as opposed to a strong mayor where the mayor is</p> <p>23 the chief executive officer of the city.</p> <p>24 In Coquille the city -- or the city manager is the</p> <p>25 chief executive officer, U.S. Legal Support   www.uslegalsupport.com</p>	<p style="text-align: right;">Page 41</p> <p>1 A. At that particular time, we were transitioning from</p> <p>2 Chief Reaves to Chief Dannels, and one of the directives, if</p> <p>3 you will, that I gave Chief Dannels was he needed to do more in</p> <p>4 engaging with the community and doing a better job of</p> <p>5 interfacing police officer responses, tactics, interfacing with</p> <p>6 the community to alleviate some of the perceived concerns that</p> <p>7 the citizens had brought forth.</p> <p>8 Q. And was -- was there any kind of ever former --</p> <p>9 excuse me, formal citizen review or participation in police</p> <p>10 policy-making implemented by the City of Coquille?</p> <p>11 A. No.</p> <p>12 Q. Why not?</p> <p>13 A. City did not feel at the time that one was</p> <p>14 warranted.</p> <p>15 Q. Can you tell me why?</p> <p>16 A. That was a policy decision made by the city</p> <p>17 council. It was a political decision.</p> <p>18 Q. Okay. Anything else you can tell me about that?</p> <p>19 A. No.</p> <p>20 Q. Okay. Between 2000 and 2012, did the City have any</p> <p>21 written policies about how to conduct identification</p> <p>22 procedures?</p> <p>23 A. Clarification, "identification procedures."</p> <p>24 Q. Sure. Sometimes police refer to them as a six-pack</p> <p>25 or a photo array. You put somebody in a lineup, things like --</p>

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1 A. No. Not to my knowledge.	1 A. Correct.	
2 MR. OWENS: We've been going for about an hour, and	2 Q. All right. And so the actions that were undertaken	
3 I don't expect us to be here all day, but we'll take breaks	3 by Chief Dannells, Officer Sanborn, others, the City of Coquille	
4 from time to time. And if at any point you need a break, feel	4 has no problem with those actions, even having the opportunity	
5 free to ask.	5 to have reviewed them during the course of responding to this	
6 I'm going to just take a quick comfort break here.	6 lawsuit. Right?	
7 If we can just go off the record for about five minutes and use	7 A. Correct.	
8 the bathroom.	8 Q. Shifting gears, I know you mentioned something	
9 (Recess taken.)	9 about there's some record retention policies that pertain to	
10 MR. OWENS: We're back on the record. My	10 some things that have to be purged, some things are kept,	
11 apologies.	11 et cetera. Does that topic sound familiar?	
12 BY MR. OWENS:	12 A. Yes.	
13 Q. Mr. O'Connor, I just wanted to ask a couple of	13 Q. Am I right that the documents generated pursuant to	
14 other questions about more specifically one of the topics. And	14 the Leah Freeman death investigation, since it was a homicide	
15 I can show you the notice, but I know you're familiar with it.	15 investigation, should have been subject to permanent retention?	
16 It pertains to the death investigation involving Leah Freeman	16 A. Correct.	
17 and officers' work and action pursuant to that investigation.	17 Q. Were Coquille police officers between 2000 and 2012	
18 You're familiar with that topic?	18 permitted to destroy their handwritten notes?	
19 A. Yes.	19 A. I do not believe that there was any requirement for	
20 Q. Got it. And am I right that it's the City of	20 them to keep handwritten notes.	
21 Coquille's position that the officers involved in the	21 Q. If they made handwritten notes, were they required	
22 investigation conformed to the practices and policies, customs	22 to produce them, or were they permitted to destroy them?	
23 of the City of Coquille and their actions?	23 A. I do not know. That would be a -- that would be a	
24 A. Yes.	24 departmental policy.	
25 Q. And the -- am I right that it's the City's position	25 Q. Okay. So one topic is -- I asked a little bit	
Page 43		Page 45
1 that none of the officers who participated in the Leah Freeman	1 about citizen complaints --	
2 death investigation departed from or violated the practices of	2 A. Yes.	
3 the Coquille Police Department?	3 Q. -- just a few minutes ago. And I know that there's	
4 A. That's correct.	4 a disciplinary process that exists for complaints that are	
5 Q. And one of the topics sort of also related to the	5 filed, say, against a patrol officer, and that's investigated	
6 Leah Freeman death investigation is the allegations made in the	6 by a supervisor, something like that. Right?	
7 complaint in this action. You're familiar with that?	7 A. Right.	
8 A. No. Could you clarify that for me, please.	8 Q. What if the complaint is made against the chief of	
9 Q. Sure. You are giving a deposition today on behalf	9 police himself? How would that have been handled between 2000	
10 of the City of Coquille because a lawsuit has been filed.	10 and 2012 for the City of Coquille Police Department?	
11 Right?	11 A. That would have been handled by me as his	
12 A. Right.	12 supervisor.	
13 Q. And that lawsuit names some former Coquille Police	13 Q. And did you sustain any complaints against Chief	
14 Department officers and chiefs of police as defendants.	14 Reaves?	
15 Correct?	15 A. No.	
16 A. Correct.	16 Q. Did you sustain any complaints against Chief	
17 Q. That lawsuit also names the City of Coquille as a	17 Dannells?	
18 defendant in the lawsuit. Correct?	18 A. No.	
19 A. Correct.	19 Q. Did you sustain any complaints against Chief Blue?	
20 Q. And the lawsuit alleges that there has been	20 A. No.	
21 misconduct committed that caused Mr. McGuffin's wrongful	21 Q. Did you ever conduct any internal audits from the	
22 conviction. Correct?	22 city manager side to review citizen complaints made against the	
23 A. Correct.	23 police department in your tenure?	
24 Q. And the City denies that it or any of its officers	24 A. No. Well, let me -- let me rephrase that. As much	
25 committed any misconduct. <b>U.S. Legal Support   www.uslegalsupport.com</b>	25 as that there were complaints made, if they were not	

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<p style="text-align: right;">Page 50</p> <p>1 Number 1 again.</p> <p>2 And we've been talking specifically about the death 3 of Leah Freeman, which is Topic Number 12. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And I want to go down very slowly because my 6 computer doesn't like all of the things I have open, so thanks 7 for your patience.</p> <p>8 All right. Do you see Topic Number m. here?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And that says "Whether or not CPD and its 11 employees adhered to or complied with all of Coquille's, 12 including CPD's, policies, practices, and procedures during 13 their involvement in any investigation of the death of Leah 14 Freeman, investigation of Nicholas McGuffin, and the 15 prosecution of Nicholas McGuffin." Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And I asked you earlier about the Leah Freeman 18 aspect of this, but I didn't mention Nicholas McGuffin. And so 19 I'm going to do that now. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. It's the City's testimony that the CPD and all of 22 the employees adhered to and complied with Coquille policies 23 and practices as it pertains to the investigation of Nicholas 24 McGuffin and his prosecution specifically. Correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 52</p> <p>1 Coquille's, including CPD's, engagement and collaboration with 2 ABC News to publicize information about the investigation of 3 Nicholas McGuffin and the death of Leah Freeman. Do you see 4 that?</p> <p>5 A. Yes, I do.</p> <p>6 Q. All right. Can you provide any testimony about the 7 decision-making process and basis for Coquille's decision to 8 engage and collaborate with ABC News?</p> <p>9 A. My recollection of that event was that ABC News 10 contacted Chief Dannels with a request to come to Coquille and 11 do a story, and that Chief Dannels conferred with DA Frasier to 12 clear that aspect, that it was not going to jeopardize 13 anything. And as a result of DA Frasier not having any 14 objections and Chief Dannels not having any objections, ABC 15 News was told that they could come to Coquille.</p> <p>16 Q. Got it. And I guess what I'm wondering is the 17 decision to become participat- -- to have Coquille officers and 18 the chief of police participate in the ABC investigation, is 19 that something that was within the policy-making and decision 20 authority of Chief Daniel -- Dannels, excuse me?</p> <p>21 A. Yes.</p> <p>22 MS. SAWYER: Object to form.</p> <p>23 Could you -- could you reread the question back?</p> <p>24 COURT REPORTER: Sure.</p> <p>25 (Reporter read back last question.)</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. And it's the City's testimony, even today, years 2 after this lawsuit has been initiated and years after the 3 charges against Mr. McGuffin have been dismissed, that no 4 employee did anything that violated his constitutional rights 5 or departed from Coquille practice. Correct?</p> <p>6 A. Correct.</p> <p>7 Q. All right. Topic Number 13 pertains to the 8 engagement and reliance upon Richard Walter, Mark McLish, and 9 the Vidocq Society during the investigation and prosecution of 10 Nicholas McGuffin. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. All right. Now, some of -- there are several 13 topics -- subtopics here, and based upon the testimony that 14 you've given me today so far, I'm going to try to cut to the 15 chase. Is there any additional testimony that you can provide 16 to me other than that which has already been provided in 17 designations about the engagement and reliance upon Richard 18 Walter, Mark McLish, or the Vidocq Society by the City of 19 Coquille Police Department?</p> <p>20 A. That's correct.</p> <p>21 Q. All right. So let me just ask a better question. 22 Am I right that you don't have any additional testimony that 23 you can provide about this topic?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Now, Topic Number 14 pertains to</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. SAWYER: Thank you.</p> <p>2 BY MR. OWENS:</p> <p>3 Q. All right. Did you have any involvement in a 4 dispute between Chief Blue's complaints about Officer McNeely?</p> <p>5 A. Yes.</p> <p>6 Q. What was your involvement?</p> <p>7 MS. HENDERSON: Just to interject, can we stipulate 8 that this is under protective order, the employment stuff? I 9 believe we've done it all under protective order -- and we're 10 going to answer -- in previous depositions.</p> <p>11 MR. OWENS: Sure.</p> <p>12 MS. HENDERSON: Thanks.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: Should I answer?</p> <p>15 MS. HENDERSON: Yeah, you can answer.</p> <p>16 A. It was personnel actions, so the city manager was 17 required by city policy to conduct a hearing.</p> <p>18 BY MR. OWENS:</p> <p>19 Q. Okay. Was that a public hearing?</p> <p>20 A. No. A personnel matter.</p> <p>21 Q. Got it. What was the result of the hearing?</p> <p>22 A. The result of the hearing was that I found that 23 Officer McNeely did in fact violate policies and procedures of 24 the department and the City and that disciplinary action should 25 be implemented.</p>

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1 evidence from Richard Walter in their investigation of the 2 case?	1 sense of, you know, here's Exhibit A in the courtroom, you 2 know, and your chain of custody, none of that was violated.
3 A. Any evidence?	3 BY MS. COFFIN:
4 Q. Yes.	4 Q. Thank you. And to your knowledge, did the City
5 A. No.	5 have any contract with Richard Walter?
6 Q. To your knowledge from those briefings, did the 7 City of Coquille provide or give to Mr. Walter any evidence?	6 A. No.
8 Did he have -- in other words -- let me rephrase.	7 Q. Did the City, to your knowledge, have any contract 8 with the Vidocq Society?
9 Did Mr. Walter ever have in his custody or control 10 any evidence given to him by the City of Coquille related to 11 the investigation?	9 A. No.
12 MR. OWENS: Objection; form and foundation.	10 MS. COFFIN: Those are -- those are all of my 11 questions.
13 BY MS. COFFIN:	12 THE WITNESS: Yes, ma'am.
14 Q. Okay. Let me ask it a different way. Did 15 Mr. Walter, to your memory, ever participate in any of those 16 briefings?	13 MS. COFFIN: Thank you.
17 A. Not with me.	14 MR. MARSHALL: We will reserve our questions for 15 the time of trial. Thank you.
18 Q. Was it your impression that he was one of the 19 people investigating the case along with police officers?	16 MR. OWENS: I think we're done.
20 MR. OWENS: Objection to the form of the question 21 and foundation.	17
22 THE WITNESS: So does that mean I answer or not?	18 (WHEREUPON, the deposition ended at the hour 19 of 11:54 a.m.)
23 MS. HENDERSON: Yes, you can answer. Yes.	20
24 MR. OWENS: Yes, I'm sorry.	21 -o0o-
25 THE WITNESS: I'm sorry. Now I'm lost again.	22
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1 Sorry.	1 STATE OF OREGON )
2 MR. OWENS: That's all right.	2 County of Douglas )
3 A. He never participated in any meetings with any of	3
4 those briefings. And let me clarify what those briefings were.	4 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the
5 Those briefings were typically either at a staff meeting where	5 state of Oregon, do hereby certify that:
6 we generally had all department heads that got together to just	6 Pursuant to Notice, TERENCE O'CONNOR appeared remotely
7 talk about the operational issues that we saw coming for the	7 before me via Zoom videoconference at the time and place set
8 oncoming week or issues that arose that we needed to come	8 forth in the caption hereof;
9 together to think about how we were going to respond to.	9 That, at said time and place, I reported in stenotype
10 They were not detailed operational briefings, like	10 all testimony adduced and oral proceedings had in the foregoing
11 you would see in a movie or something. There's no charts.	11 matter, to the best of my ability;
12 There's no -- there's no pointers. There's -- it's just a	12 That, thereafter, my notes were reduced to typewriting,
13 verbal communication to me, as the chief executive officer, to	13 and that the foregoing transcript, pages 1 through 60, both
14 keep me apprised of where things were and how things were	14 inclusive, constitutes a full, true, and correct transcript of
15 progressing. It wasn't the detail work. It wasn't getting	15 all such testimony adduced and oral proceedings had and of the
16 involved in the operational aspects, so to speak, of any	16 whole thereof.
17 department.	17 IN WITNESS WHEREOF, I have hereunto set my hand and CSR
18 So with respect to the question about the Vidocq	18 stamp this 15th day of August, 2024, in the City of Roseburg,
19 Society, it would have been a conversation of, you know, these	19 County of Douglas, State of Oregon.
20 guys -- these guys approached us and, you know, we've done some	20
21 background work in seeing what they've done elsewhere in the	21
22 country, so let's participate with them, and, you know, it's a	22
23 cold case; let's see what maybe some fresh eyes could do.	23 JEAN M. KOSTNER
24 Was evidence transferred? No. Was documentation?	24 Certified Court Reporter
25 I'm supposing that it was. But certainly not evidence in the	25 CSR No. 90-0051